

**AN ORDINANCE BY:  
COUNCIL MEMBER IVORY LEE YOUNG**

**04-○-1120**

**AN ORDINANCE TO ABANDON THE FOLLOWING PORTION OF PROPERTY, BEING MORE SPECIFICALLY DESCRIBED IN THE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A" AND THE SURVEY ATTACHED AS EXHIBIT "B" OF DOVER STREET AT HAYNES STREET, A DISTANCE OF APPROXIMATELY 110 FEET AS SHOWN ON EXHIBIT "B".**

**Whereas**, the Applicant, owner of the abutting property, has filed a formal petition with the City of Atlanta (the "City") to abandon the above-referenced property, said application containing the consent of the abutting property owners to the abandonment; and

**Whereas**, the Applicant has paid fees of \$2,500.00 for the abandonment, as specified by Section 138-9(a)(5) of the City of Atlanta Code of Ordinances; and

**Whereas**, this abandonment request will be reviewed by the proper related agencies of the City and with the Public Utilities; and

**Whereas**, the Applicant agrees to compensate the City for the fair market value of the City's interest in the property proposed for abandonment.

**NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:**

- Section 1.** That the Applicant will be required to meet the requirements of Section 138-9 of the City of Atlanta Code of Ordinances, including having the abandonment request reviewed by the police, fire and planning departments.
- Section 2.** That the portion of the above-referenced properties, whose legal description is shown on the attached Exhibit "A", is hereby declared no longer useful or necessary for the public's use and convenience.
- Section 3.** The Mayor, or her designee, shall be and is hereby authorized, after review by the appropriate agencies of the City, to appraise the fair market value of the right-of-way described herein, and prepare an appraisal report setting forth said fair market value.
- Section 4.** That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain, or replace said facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed or relocated, at which time, said easements shall expire.

- Section 5.** That all costs associated with the appraisal report(s) shall be charged to and paid from an account to be established by the Department of Finance, utilizing the funds paid by the applicant in connection with its abandonment request;
- Section 6.** That the Mayor is hereby authorized to execute Quitclaim Deeds to Applicant for the portions of the above-described properties abandoned herein, upon receipt of payment in the amount of the appraised value.
- Section 7.** The date of execution of this Ordinance by the Mayor shall be the effective date of abandonment. Applicant agrees to indemnify and hold the City harmless for any act or omission to act on its part after the portions of streets described herein are abandoned.
- Section 8.** That all Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

**EXHIBIT - "A"**

**Dover Street to be abandoned:**

All that tract or parcel of land lying and being in Land Lot 84 of the 14th District, Fulton County, Georgia, and being more particularly described as follows:

Commencing at a PK nail found at the intersection of the western right-of-way line of Haynes Street (40-foot right-of-way) and the northwestern right-of-way line of Chapel Street (50-foot right-of-way), run thence along said right-of-way line of Haynes Street North 01 degree 12 minutes 10 seconds East a distance of 152.52 feet to a ½-inch rebar found on the southern right-of-way line of Dover Street (also known as Dover's Alley) (20-foot right-of-way); said rebar marking the TRUE POINT OF BEGINNING; from said TRUE POINT OF BEGINNING as thus established, leaving the aforesaid right-of-way line of Haynes Street and running along the southerly right-of-way line of Dover Street the following courses and distances: South 83 degrees 46 minutes 47 seconds West a distance of 110.20 feet to a ½-inch rebar found; South 83 degrees 49 minutes 34 seconds West a distance of 50.00 feet to a ½-inch rebar found; South 81 degrees 04 minutes 43 seconds West a distance of 52.35 feet to a ½-inch rebar found; South 80 degrees 40 minutes 59 seconds West a distance of 80.04 feet to a ½-inch rebar found; leaving said southern right-of-way line run thence North 12 degrees 49 minutes 07 seconds West a distance equal to half of the right-of-way of Dover Street; run thence in an easterly direction along the centerline of Dover Street a series of calls parallel to the aforementioned calls running along the southerly right-of-way of Dover Street to the point where Moser Financial, LLC owns the parcels on both sides of Dover Street; from said point run North 00 degrees 12 minutes 36 seconds East to the northern right-of-way line of Dover Street; run thence along said northern right-of-way line of Dover Street North 83 degrees 42 minutes 56 seconds East a distance of 101.61 feet an iron pin set on the westerly right-of-way line of Haynes Street; run thence southerly along said westerly right-of-way line of Haynes Street South 01 degree 11 minutes 17 seconds West a distance of 20.00 feet to the ½-inch rebar found at the TRUE POINT OF BEGINNING.

**NOTE: THE ABOVE DESCRIPTION IS TENTATIVE AND WILL BE REVISED UPON RECEIPT OF A CURRENT AND ACCURATE SURVEY. THIS DISCRIPTION IS NOT FOR USE IN CONVEYANCES NOR TITLE INSURANCE.**